

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s)	<b>Atwater, Antonio</b>
Application	<b>09/843,289</b>
Confirmation	<b>7918</b>
Filed	<b>24 April 2001</b>
Application Title	<b>Method and Apparatus For Receiving Full-Motion Digital Video Multi-Casts, Interactive Data and Interactive Voice Via A DSL Circuit</b>
Art Unit	<b>2416</b>
Latest Examiner	<b>Nguyen, Phuongchau Ba</b>

**Mail Stop Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 C.F.R. § 1.131 OF ASSIGNEE**

I, Andreas Geyer, hereby declare that:

1. I am the Intellectual Property Rights Administrator for Nokia Siemens Networks GmbH & Co, KG, which is an assignee of the above-referenced U.S. patent application (the "present application") (See Exhibit A).
2. On information and belief, there is no reason to doubt any of the statements of Mr. Edward Drake included in the Declaration under 37 C.F.R. § 1.131 filed on 23 September 2009.
3. On information and belief, the co-inventor of the above-referenced patent application, Mr. Antonio Atwater, is deceased.

4. On information and belief, the fact of Mr. Atwater's death is evidenced by a memorial web page located at <http://www.viodi.tv/2007/07/31/atwater/> (See Exhibit B).
5. On information and belief, because Mr. Atwater is deceased, it is not possible to produce his declaration under 37 C.F.R. § 1.131 or for him to co-sign the above-referenced Declaration of Mr. Edward Drake.
6. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed this 07 day of May 2010

Andreas Geyer

TO:MICHAEL HAYNES PLC COMPANY:1341 HUNTERSFIELD CLOSE

EXHIBIT A

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## ASSIGNOR:

MYRIO CORPORATION

DOC DATE: 02/21/2008

## ASSIGNEE:

NOKIA SIEMENS NETWORKS GMBH & CO.  
KG  
ST.-MARTIN-STR. 76  
MUNICH, GERMANY 81541

SERIAL NUMBER: 09843289

FILING DATE: 04/24/2001

PATENT NUMBER:

ISSUE DATE:

TITLE: METHOD AND APPARATUS FOR RECEIVING FULL-MOTION DIGITAL VIDEO MULTI-CASTS, INTERACTIVE DATA AND INTERACTIVE VOICE VIA A DSL CIRCUIT

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# A Living Memorial to the Father of IPTV – Tony Atwater

listen now

Tony Atwater epitomized the American entrepreneur. With roots in technology and interactive television that dated back to SGI and their 1990s early interactive television efforts in conjunction with Time-Warner, Atwater jumped from the security of an established company to the uncharted path of being a pioneering Internet Service Provider. His vision went further than most and he saw the potential for delivering video, along with Internet over existing copper pairs.

## Tony's Memorial Fund

Checks can be made to either Elizabeth Q. Atwater, Tony Atwater Memorial Fund or Antonio Atwater Memorial Fund, and sent to:

Elizabeth Q. Atwater f.b.o. Antonio Atwater Memorial Fund c/o Great Western Bank,  
6304 North 99th Street,  
Omaha NE 68134.

I first ran into Tony, or really the evidence of Tony, at Churchill Communications (now CC Communications) in the rural town of Fallon, Nevada in 1997. Vic Slaughter demonstrated a video delivery service over copper-pairs that Churchill was evaluating. I was shocked, having known about the Bell Atlantic trials of that sort of technology, which they had subsequently shut down. Slaughter would press a button and a movie would stream from a server in Reno. The company behind this magic was Atwater's SourceNet of Reno.

I met up with Tony and Vic a few months later at a Pacific Bell conference regarding the interference effects of DSL on binder groups. This was an issue close to Atwater's heart as he would lease unbundled pairs from Pacific Bell and he needed the pairs to be pristine in order to provide the 6 to 8 Mb/s to ensure video delivery. He explained his vision over lunch and it was clear that he had big plans.

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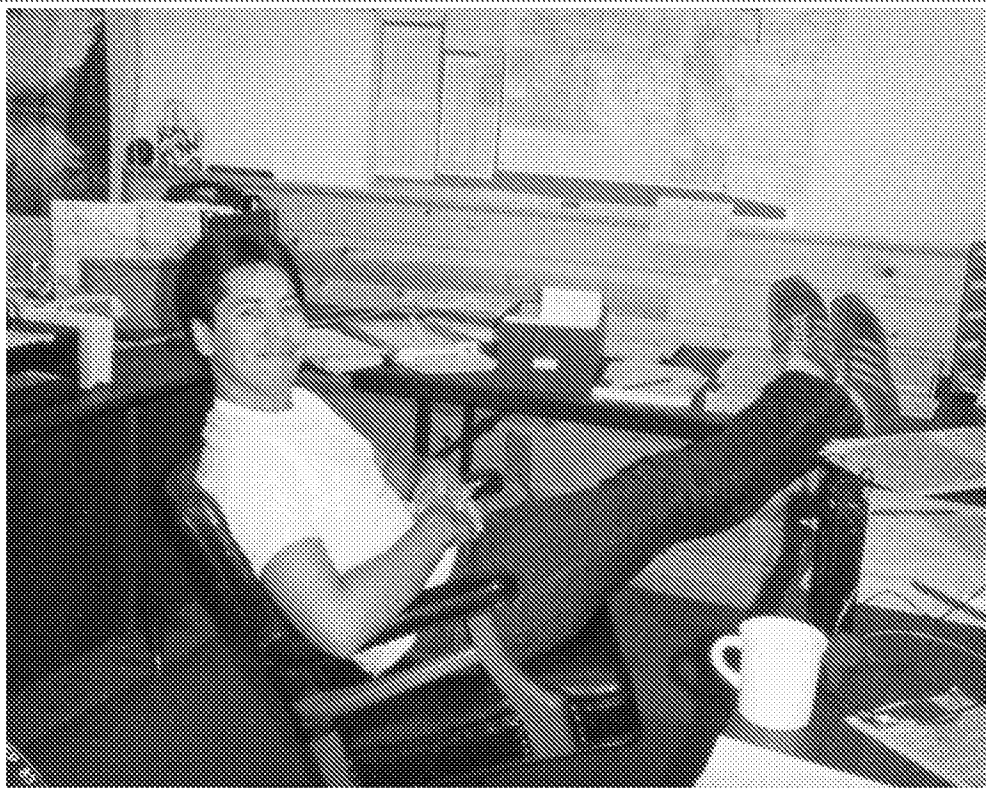
## EXHIBIT B

Tony saw that the real trick to television over copper was putting together the entire ecosystem that included technology, content, distribution partners and interoperability. Literally, strapping things together, he was able to build the first independent telco video over copper systems. Always a fan of an open approach, he tried to involve as many players as possible. He did a great job of assembling all of the pieces that, through investment, became Myrio (which Siemens eventually purchased).

Probably the pinnacle of his involvement in the independent telco industry was when he was both the open and closing keynote speaker at the first TelcoTV conference in 2002.

Tony always had the entrepreneurial drive and he moved into the Wireless ISP space after Myrio. For the past few years, he focused on that business and we did not see him too much at the independent telco tradeshows. That changed this year, when he decided, as he told me earlier this year, “to pursue something in business development with a well-respected and established company.” As reported in the previous issue of the Viodi View, he landed at CCI. When I saw him two weeks ago at the OPASTCO 2007 Summer Convention, he appeared very upbeat and looking forward to bridging the HFC and IPTV worlds.

Tony leaves behind a young son and a 20-year old daughter. The police have apparently suggested accidental drowning as the cause of Tony’s death. I will keep readers informed as to any memorials to Tony or trust funds that may be set up for his children. His daughter could use support, so contact me at **ken dot pyle at viodi.com** to learn how you can help. To pass along your condolences directly to his daughter, email her at **elizabeth at viodi.com**. In the meantime, please click here to add your comments or fill-in detail about Tony and please allow this post to be a living memorial to the **Father of IPTV**.



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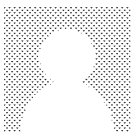
*#1 by Bernie Arnason on July 31, 2007 - 6:11 pm*



Shocking news. So sad. My thoughts and prayers are with Tony's family. I had just worked with Tony this Spring. I know he was excited about his next move and getting back into the IPTV space. Telecom in general owes Tony a lot. As Ken outlined, Tony really took the early promise of IPTV and made it a reality. A feat many had tried before him. I remember talking with Tony the day Siemens announced their Myrio acquisition – he wasn't as involved with Myrio then, but still proud that his original vision had been 'validated' by a global company like Siemens.

I personally learned a lot from Tony. I first met him back in 1998 and was amazed at what he was doing way back then. He will be missed.

*#2 by Steve Pastorkovich on August 1, 2007 - 5:27 am*



This is such stunning and depressing news, and I'd like to convey my sincere condolences to his family and friends. I was going to start out saying that I don't remember when I actually met Tony; he was just one of those fixtures whose presence couldn't be overlooked. But in reading Ken's outstanding piece, I'm reminded that it must have been at the first TelcoTV conference where I first met Tony. His knowledge was clear and he made complex topics understandable.

Tony was one of those true believers in the rural telecom industry. Whenever I saw him, he was eager to discuss what he might be able to do to help independent carriers and become more involved in OPASTCO. I remember well several in-depth and engaging conversations with Tony. Whether in an emptying conference room as all others are leaving, or huddled in a corner at a trade show or reception, Tony was always excited by the potential of what independent carriers could do. He wanted to be a part of it, and always had some way to make the rubber hit the road. This

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happened again just a few weeks ago at the OPASTCO convention in Anchorage. Tony had recently been writing articles and providing his insights for our members, providing the kind of useful, practical information that members can really use. We had a couple of long conversations in Alaska, and we were making plans for how Tony could get even more involved and make himself even more available to independents.

Tony's commitment to the industry and his entrepreneurial drive was more than an asset; he was one who really pushed things forward, often behind the scenes. This is a great loss not only to service providers and manufacturers, but to the larger high tech field in general as well. But in addition to the loss to these industries, Tony was a downright nice guy whose eagerness, drive and just plain friendliness was infectious. We've lost not just an important person, but a good one. I now realize I was privileged to have been among those who knew him firsthand.

*#3 by Roger Bintl on August 1, 2007 – 6:20 am*



I will miss Tony. We had many good conversations over the years. He was a person that could see the potentials in partnerships and looked past artificial barriers. We talked several times in the early days of NLC and Myrio about complimentary technologies, which eventually came around.

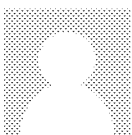
From my knowledge of Tony that was an excellent memorial Ken. I met Tony in late 1999 or 2000 while with NLC. Myrio was doing a fantastic job of marketing under his leadership, and a valuable example for others that could look past the perceived competitive threats. Tony appeared to see opportunity where others saw threat. I admired that quality in him.

I hadn't heard from Tony in some time, so it was good to hear he was back in the IPTV world again. I was looking forward to meeting him again, and sad now that I can't.

I tried to refresh my memory of events earlier on with Tony and happened to find this link. It gives a little more background on him, and says things I would say...

[http://www.zoominfo.com/people/Atwater\\_Antonio\\_3402154.aspx](http://www.zoominfo.com/people/Atwater_Antonio_3402154.aspx)

*#4 by Dave Lowe on August 1, 2007 – 7:24 am*



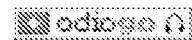
Tony was an inspiration to all who met him. He was a very upbeat and positive person who was relentless in his passion to see rural telcos deliver video over their networks. He was equally passionate about life. We often spoke of the importance of family. He will be missed. My condolences go out to his family. I, too, learned a great

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## VIODITY LISTEN





deal from Tony.

*#5 by Mike Anicangelo on August 1, 2007 - 1:04 pm*



Tony was at our house a couple of nights ago. He would invite himself over for dinner, often. Tony was a great & caring friend. Tony we're really going to miss you man.

Love

Mike and Nancy and Murphy

*#6 by Steve Hawley on August 1, 2007 - 3:04 pm*



It was really a shock to see Ken's email this morning – Tony was a vital and energetic guy and I'm glad I had the privilege of being acquainted with him.

As employee 26 at Myrio, the company's first product management hire, it isn't a stretch to say I owe a big chunk of my current professional life to him, as an IPTV industry analyst and consultant. Every so often, we checked in with each other over the years since Myrio.

Also, my condolences to the family, and my deep regrets for his passing. Thank you, Tony.

*#7 by Eddie Drake on August 1, 2007 - 3:27 pm*



I first met Tony in 1996 and came on as employee number 2 at SourceNet in charge of bringing video services into Tony's Vision for what our ISP should provide and ultimately moved to Seattle to continue Tony's original idea at Myrio. We worked side by side for 4 years to make IPTV a reality in the very earliest days of the technology.

He was visionary – he taught me a lot about entrepreneurship – he understood how technology could come together in new and interesting ways. He was a charismatic individual who never failed to affect the lives of those he came in contact with.

My thoughts and prayers are with the family he left behind.

Tony, thanks for the opportunity.

*#8 by Ryan Petty on August 1, 2007 - 5:04 pm*



Although Tony was not active with Myrio for many years, and we did not often talk, I will miss Tony. As



one of the other founders of Myrio, I had the opportunity to work with Tony from the beginning—when we developed many of the concepts that have now become fundamental to IPTV. Tony's drive to do something big and willingness to ask questions and push was a big part of getting Myrio off the ground. Steve Hawley is right. Many of us owe Tony a great debt of gratitude.

*#9 by Ken Pyle on August 1, 2007 - 6:01 pm*



John Jamar, President of CCI and Tony's most recent employer, is willing to accept and hold any donations until an official fund is in place, so memorials and donations can be made out to

"Tony Atwater Memorial Fund",

and sent to

CCI—John Jamar,

105 Kent Street

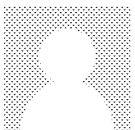
Iron Mountain, MI 49801

*#10 by Jacob Shields on August 1, 2007 - 9:32 pm*



I met Tony when he was hired at CCI and I began working closely with him. I enjoyed working with him. I wish I could have gotten to know Tony better than I had known him. He was truly amazing. He will be missed. My thoughts and prayers go out to his family.

*#11 by Dale White on August 2, 2007 - 8:21 am*



Tony will be dearly missed. He was not only a great business associate, but a good friend too. He had the kind of people charm that you couldn't help but admire and respect. He genuinely cared about others – and relationships were important to him.

I first met Tony in 1996 when CC Communications was just beginning to experiment with DSL technology, and I was the company management sponsor for our fledgling internet business. Aztech Cyberspace had completed a web design for us and were located a few doors away from SourceNet – Tony's ISP business. They introduced me to Tony, and the rest is history.

Within a year Tony and his company had assisted us with many enhancements to our ISP service and evaluating the many xDSL products so we could begin to focus on standards. We put on a community showcase and demonstrated DSL speeds to an amazed audience. By 1998 DSL was no longer thought of as a business-only service and we were offering DSL to the general customer base.

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In 1999 we became a beta test site for SourceNet's IP Video over DSL trials and by 2000 we committed to purchasing a head end and getting serious about being in the TV business – launching one of the first commercial IPTV deployments in the country.

I agree with Ken Pyle's description of Tony as the "Father of IPTV" and appreciate the memories of working with Tony and his "A-Team" of Eddie Drake, Ryan Petty, Richard Hodges, and many others through SourceNet – when Myrio was just a vision in the making.

Elizabeth – my heart goes out to you. May God carry you through. My prayers are with you.

Love,

Dale White

*#12 by Peter Marshall on August 4, 2007 - 7:37 pm*



My wife Kelly and I are devastated about Tony's passing. I remained very close to him after SourceNet was sold, and saw him very frequently over the last several months. He had even become close to our pets, and our dog, Sadie, seems to know he is gone. It is a

horrible loss.

He was so excited about his new position at CCI, and the challenges ahead.

Below is an obituary that I wrote that will be published in the Reno Gazette-Journal. We are planning a memorial service, and will update the obituary and this website with details.

Antonio "Tony" Atwater passed away unexpectedly on Monday, July 30 in Reno. He was 51 years old.

As a young man, one of Tony's first jobs was that of a bilingual auto parts sales person (he was fluent in Spanish). But he was not satisfied with life behind a sales counter, and would go on to become a well-established visionary in the technology and telecommunications industries. He worked as a technical recruiter in the 1990s for companies such as Adaptec, Silicon Graphics, Sybase and Unify. He later started SourceNet Corporation, an Internet Service Provider, in Reno. Tony's vision and foresight eventually led to the formation of Myrio Corporation, which enabled telecommunications companies to deliver video services over traditional phone lines. His most recent position was at Cable Constructors Inc., a Michigan-based company in a position as director of business development created specifically for Tony. As a byproduct of his days as a recruiter, Tony was known for recognizing and recruiting talent and his businesses were staffed by some of the best and the brightest in the industry.

Tony will be remembered by his friends and family as both a brilliant

**EXHIBIT B**

visionary and a warm, loving person. He was particularly fond of children, and was a passionate bicyclist, gourmet cook and animal lover. A perpetual risk taker, at one point, Tony raced motorcycles competitively. He was often seen walking around Reno, deep in thought. He had a love of Japanese art and culture. He enjoyed all kinds of music.. His tell-tale laugh was unmistakable and heart-warming. He will be sorely missed by those that shared their lives with him.

Tony is preceded in death by his mother and father. He leaves behind a daughter named Elizabeth, and a four-month-old son named Pete.

In lieu of flowers, a memorial fund has been established.

Tony Atwater Memorial Fund  
CCI – John Jamar  
105 Kent Street  
Iron Mountain, MI 49801

A celebration of Tony's life is being planned and information will be published on the event shortly.

*#13 by Maria Stuart on August 4, 2007 – 9:56 pm*



I am the mother of his son. I will miss Tony deeply and he will always stay in thoughts and heart. I am glad to see so much people saying good things about him, because he was a good person and a good father to his children and a great spouse to me. Tony..I will always love you and miss you.

With much love,  
Pete Atwater and Maria Stuart

*#14 by Peter Marshall on August 5, 2007 – 12:03 pm*



I was just made aware that the memorial fund information has changed. It is designed to cover costs associated with Tony's funeral

The correct information is:

Checks can be made to either Elizabeth Q. Atwater, Tony Atwater Memorial Fund or Antonio Atwater Memorial Fund, and sent to:

Elizabeth Q. Atwater f.b.o. Antonio Atwater Memorial Fund c/o Great Western Bank,  
6304 North 99th Street,  
Omaha NE 68134.

*#15 by Ray Young on August 7, 2007 – 7:05 am*



I was deeply saddened to hear about the passing of Tony at such a young age. We worked together at Myrio and I was really impressed and encouraged by his entrepreneurial vision. We spent a lot of time together strategizing on ways to get the idea of IP Video into the heads of the target Telephone Companies. Now of course everyone is doing it and they think it's a fantastic idea, let's not forget Tony who made this dream a reality.

All the best Tony – keep a seat open for me up there.

Ray Young (friend and fellow conspirator)

*#16 by Nick Benson on August 9, 2007 - 8:31 am*



I got the call from my mother about Tony's passing, she saw it on the news in Reno. I am devastated, after only a couple weeks prior speaking to him about coming to visit.... Tony was one of the best bosses and friends that I have ever known.

You ARE missed Tony.

*#17 by Derek Vogel on August 10, 2007 - 11:17 am*



We lost one of the true characters in telco. Tony will be missed for sure.

I met Tony when I was with Aztech, a sister company to SourceNet. When our office flooded, he opened his doors to us, and we occupied the same office space without walls for quite a while. I got to see this crazy idea he and Eddie and Ryan were cooking up – TV over phone lines. I later joined them and moved to Seattle when that crazy idea grew wings. Tony was a friend and confidant during those difficult early days at Myrio. I recently began to work with him on a new project for his new company. I hope to complete that project in his honor.

My deepest sympathies to Tony's family.

–Derek

*#18 by Keisha M. Munroe on October 2, 2007 - 3:05 pm*



Everyone..T-Bone aka Tony would really dig this tribute to him. He was an inspiration to us all. I have known him for over 20+ years and i know this would touch his heart....he thought sometimes that know one cared....BUT this shows so much.

Much love to All that loved Tony.

Keishamx

*#19 by Dana Myers on October 2, 2007 - 5:20 pm*

I can't pin down the exact date, but it was a warm summer afternoon in 1985, out at the Rock Store on Mulholland Highway when I met Tony. Naturally, we were talking motorcycles, but the topic wandered and we quickly became friends. Tony's energy and enthusiasm was infectious; it was great to see Tony enjoy a great deal of success in technology recruiting, but that wasn't enough for him. One day, probably in 1994, Tony called me up and asked about "this web thing". We talked for about an hour about what it would take to establish a web server. A few weeks later, he called back and pointed me at his URL – and he took off from there like a jet. After taking some time out, Tony was so jazzed this year about being back in the game he'd brought so much to – I'm stunned to hear the news of his passing. Of course, he'd lived quite a life by any account – anyone else remember his 30th birthday bash? Or the GSX-R1100 he'd already sold but took for one more spin around Willow and tossed in turn 2 – only to walk away and tell the story with a smile the next day? Tony was an amazing person, a good friend and father. Tony – we've lost a lot when you left, man.

*#20 by Kendra Munroe on October 8, 2007 - 9:52 pm*

I met Tony about 20 years ago....what a man!!! He was my son's "Tony Man." Tony was a fun, thoughtful man who one time loaded up his big Siverado pickup truck with snow in Tahoe, and drove it to Sacramento so that my children could play in the snow!! .....As I said, "What a man!" We will miss Tony deeply. My children are grown now and really didn't remember Tony all that well, but they remembered "Tony man"... the man with the snow!! Tony, you will always be remembered for your kind and thoughtful ways!1 We love you!! Kendra, Josh, Amber "Nick man" and Tyler!!!

*#21 by Kathleen Myers on November 1, 2007 - 9:15 pm*

I truly miss my friend Tony and think about him every day. His passing seems surreal and I could wake-up at any time and he might be here asking me "whets-up LaGata?" He used to tease me about being an original gangster. Being I grew-up in Miami, Fl. Tony was an adventurer at hart and we had some plans together to change the world as we know it. Both of our worlds changed... My son Simon and my husband Lenny miss his playful and caring presence, always wanting to go on a bike ride with Lenny. Or give my teenage son something to think about. His future and how does he get there?

## EXHIBIT B

With all the love he shared I wonder about Elizabeth and how she is doing? As well as Maria with the new baby? I do not know how to call anyone and would love to hear from anyone who loved Tony as much as I/we do. He is truly missed and will be a part of me till I pass. Remember; “life is what we make it...”

*#22 by Samantha Eastwick on January 4, 2008 - 2:07 pm*



I met Tony back in 1997 when he hired me to be the receptionist for SourceNet. I grew with that company up until it sold to ATG. I also worked with him at Silver State Communications. I owe a lot to Tony for believing in me and helping starting my career in office management. Because of his influence I will be a business owner very soon. I was shocked to hear of his passing and will miss him very much.

*#23 by Lori O'Neil-McNew (formerly O'Neil-Atwater) on January 30, 2009 - 2:21 pm*



How wonderful that Elizabeth has been able to see and read all the comments left here by her Dad's friends and associates. Thank you all very much. Elizabeth is in San Diego now, working with local artists, establishing residency for college, and staying amazingly grounded. Tony would be really proud of her.

Please feel free to email me if you are interested in getting in touch with her.

[lorionmc@yahoo.com](mailto:lorionmc@yahoo.com)

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